

Remarks

Applicants amend claims 1, 5, 9, and 21-23, and cancel claim 4, without prejudice or disclaimer to continued examination on the merits. The subject matter of claim 4 is now incorporated into claim 1. Support for these amendments can be found on pages 3, 6, and 8, and throughout the remainder of the specification. Thus, no new matter is added.

Claim Objections.

Claim 1 stands objected to because of the following informalities: in claim 1, the word --to-- after the word "policy" in line 4 on page 2 is duplicated, and, in claim 1, "said default responses" in line 6 on page 2 has not previously been recited in the claim and should be replaced with --default responses--. Appropriate correction is required.

Applicant has amended claim 1 to correct the above informalities.

Claim Rejections - 35 U.S.C. 102.

Claims 1, 2, and 6 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by Johnson et al. (hereinafter Johnson), US Patent 5,594,861. As to claim 1, Johnson discloses a computer system [14, computer, col. 2, line 40, fig. 1] comprising: a default event policy [default analysis and recover] defining responses [recovery-actions] to detected events [error detection] indicative of [enhanced locality] selected faults [fault], a configurable event policy [specialized analysis and recovery] for modifying [modification of old or default recovery actions, col. 5, lines 59-67] the default event policy [default analysis and recover] to define responses [actions] to one or more of said detected events [error code or type] that are different [it is inherently determined during analysis] than default responses, and an event management system [38, error handler] using the default event policy [default analysis and recover] and the configurable event policy [specialized analysis and recovery] to determine a required response [actions] to a particular event [error code or type, abstract, col. 1, lines 63-67, col. 2, lines 1-9, col. 3, lines 62-65, col. 4, lines 47-67, col. 5, lines 17-29, col. 5, lines 59-

67, fig. 6].

Applicants' claim 1 (currently amended) reads on:

1. A computer system comprising:
 - a default event policy defining responses to detected events indicative of selected faults,
 - a configurable event policy for modifying the default event policy to define responses to one or more of said detected events that are different than default responses, and
 - a hierarchical event management system using the default event policy and the configurable event policy to determine a required response to a particular event.

In contrast, Johnson discloses an error handling system, not a computer system. See Johnson col. 5, lines 46–62.

Furthermore, Applicants teach a computer policy, not a script to handle errors for an application. Johnson states, “The default functionality may be further refined to provide an application specific functionality implemented to fit, account for and respond to specific errors for specific applications 32.”

Johnson teaches, “Both error analysis 50 and error recovery 52 may be so refined and specialized. With respect to specialized error analysis, new errors (i.e., error type and code) and the recovery actions implemented in response to the detection of these new errors are established.” In other words, Johnson’s invention is error driven, while Applicants’ invention is event driven.

Johnson teaches, “Also, certain errors previously defined with a certain recovery action (perhaps a default recovery action) are specified in the specialized error analysis to lead to a different recovery action. A specification concerning whether the error should be reported to the COS-EH 46 [communications operating system error handler] is also made.” The error generated in the Application is sent to COS-EH. In contrast, Applicants claim a

default event policy, which is reviewed by the configurable event policy to determine if the default response is appropriate or needs to be mitigated. A final determination of the required response to a particular event is made by the hierarchical event management system using the default event policy and the configurable event policy. Johnson does not teach a third tier of analysis that hierarchically manages the response. In the specification, page 5, lines 18-30, the hierarchical event management system is comprised of a master SRM, one or more slave SRMs, and one or more LRMs. Johnson does not teach an element comparable to the hierarchical event management system.

Examiner has rejected claim 2, citing that Johnson discloses a computer [14] and a database therefore; he teaches storing of the configurable event policy within the configuration database as well [col. 2, lines 54-56]. As to claim 6, Johnson discloses a computer [14] and a network device, which is inherent to the computer [14].

Applicants' claims 2 and 6 are dependent claims, and include all of the limitations of the parent claim, claim 1. The rejection of claims 1, 2, and 6, in light of the above arguments and the amendments, is respectfully traversed, and these claims should now be allowed.

Claims 1, 2, 4-13, and 17-23 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by Masui et al. (hereinafter Masui), US Patent 4,727,487. As to claim 1, Masui's computer system [100] comprising: a default [predetermined/default] event policy [resource allocation policy, col. 3, lines 15-16] defining responses [operations/process] to detected events [step 200, by observing system status] indicative of selected faults [step 201, corresponding condition in knowledge base 143, fig. 2], a configurable [selected] event policy [highest priority, step 203, resource allocating policy (non default)] for modifying [by selecting highest priority] the default event policy [predetermined/default] to define responses [operations/process] to one or more of said detected events [failure or busy] that are different [it is inherently determined during search condition in knowledge base 143] than default responses [operations], and a event management system [140, resource management function unit] using the default event policy [default resource allocation] and the configurable [selected] event policy [highest priority, step 203, resource allocating policy (non default)] to

determine [by sequentially checking availability of resources] a required response [operations/process] to a particular event [failure or unavailable, col. 1, lines 7-12, col. 2, lines 45-67, col. 3, lines 1-58, col. 4, lines 23-63, col. 5, lines 27-61, fig. 1, 2, and 4].

Applicants respectfully disagree with Examiner as to what Masui teaches. In the summary of the invention, Masui discloses an “invention to provide a resource allocating method which allows effective utilization of resources in the system in accordance with experience of operation without assistance of a system operator when parameters for determining the allocation of the resources are to be modified.” Applicants provide a system for providing default policies to a fault (typically an error event), reviewing the default response to the fault (typically an error event), and then using a hierarchical event management system determining a required response to a particular event. The elements of the Masui invention are a computer system 100 that comprises a job processing function unit 130, including function codes 113-115 which indicate the contents of processing required by the unit processes to resources 120-122 in a system having a CPU, main memory, auxiliary memory, I/O channel, printer and CRT, function codes 123-125 which indicate the contents of processing of the resources, and function codes 126-128 which indicate the current status of the resources; and a resource management function unit 140, including a policy making function 141, an allocating function 142, a knowledge base 143 and a policy base 144. Applicants’ claims 1-2, 5-13, and 17-23 certainly have no counterpart to the job processing function unit, which includes function codes which indicate the contents of processing of the resources. Claim 4 is canceled.

As Examiner is well aware, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987), cited in, M.P.E.P. 2131. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. M.P.E.P. 2131, citing, *In re Bond*, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990). Thus, if any feature taught by the claimed invention is not taught by the reference cited by the Examiner, then the

claimed invention and the reference are patentably distinct. In such a case, a 35 U.S.C. 102 rejection is improper. Examiner, in this office action on page 8, line 6, states that "Masui does teach an event management system, but not [an event management system] utilizing a configurable event policy for augmenting default policy with definitions of responses to event to determine required response to a particular event". Clearly Masui does not meet the 35 U.S.C. 102(b) criteria, and the rejections are respectfully overcome.

Applicant respectfully disagrees with Examiner as to what Masui teaches. In the summary of the invention, Masui discloses an "invention to provide a resource allocating method which allows effective utilization of resources in the system in accordance with experience of operation without assistance of a system operator when parameters for determining the allocation of the resources are to be modified." An example of Masui is given in col.5, lines 1-10, wherein a partition C is changed to partition B. Applicants provide a system for providing default policies to a fault (typically an error event), reviewing the default response to the fault (typically an error event), and then using a hierarchical event management system determining a required response to a particular event. Examiner admits that Masui does not teach utilizing a configurable event policy for augmenting default policy with definitions of responses to event to determine required response in a hierarchical event management system.

Claim Rejections - 35 U.S.C. 103.

Claims 20 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al. (hereinafter Masui), US Patent 4,727,487, and further in view of Brown et al. (hereinafter Brown), US Patent 6,721,947. As to claims 20 and 23, Masui teaches a resource allocation method in a computer system comprising: a default [predetermined/default] event policy [resource allocation policy, col. 3, lines 15 - 16]; a configurable [selecting] event policy [highest priority]; using the configurable [selected] event policy [highest priority] to modify the default event policy [predetermined/default]; detecting [by sequentially checking availability of resources] an event indicative of any of a failure or unavailable] or a resource consumption notification [busy]; and responding to the detected event [failure or busy] in

accordance with the default event policy as modified by [selecting] the configurable event policy [highest priority, col. 2, lines 45-67, col. 3, lines 1-58, col. 4, lines 23-63, figs. 2 and 4].

Brown discloses a system, method and program to create a customized response [configurable event policy] without modifying a default response of application extension manager [event management system] in which the customized response is a new or augmented response in lieu of or in addition to default response [col. 1, lines 6-10, col. 2, lines 51-61, col. 3, lines 7-42, col. 5, lines 12-67, col. 6, lines 1-11, col. 10, lines 3-65]. It would have been obvious to one of ordinary skill in art, having the teachings of Masui and Brown before him at the time of invention was made, to modify the configurable event policy disclosed by Masui to include a customized response [configurable event policy] augmented in lieu of or in addition to default response with an application extension manager [event management] as taught by Brown in order to obtain enhancing functionality of user interface of an executing application program with described with reference to a list of customized responses with respect to a given event [col. 2, lines 62-67, col. 3, lines 7-16, col. 11, lines 65-67, col. 12, lines 1-7].

Applicants' claim 23 (currently amended) has a hierarchical event management system utilizing the default policy and the configurable event policy to determine a required response to a particular event. In Brown's invention, col.3, lines 21-25, for each event there is a corresponding default task and one or more corresponding customized tasks. Each task is a set of executable instructions which cause a deterministic response. A default task is a set of instructions that defines a default response. A customized task is a set of instructions that defines a customized response. Upon an occurrence of an event, at least one of the corresponding tasks is executed. In Applicants' invention, the method is event driven, where an event (such as a fault) generates a response depending on the default policy. For the same event there is a configurable event policy which generates a proposed modified response. The hierarchical event management system then reviews the two sets of responses, and then dependent on system considerations, selects a response that is most appropriate. Because there are system considerations, the appropriate response keeps the network running. In

Brown, the application service manager associates tasks, in Applicants' claim 23 the event management system compares events. By comparing events versus tasks, Applicant system can more effectively evaluate the source of the fault, and this is important in configuring the appropriate response. Brown does not teach associating events, but in associating tasks.


Applicants' claim 20 teaches providing a second configurable event policy; and this third alternative would provide another tier of information. Claim 20 is a dependent claim, and has all the limitations of the parent claim, claim 9.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper (**one-month extension**). However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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